

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Khammesherma Smith,)	
)	
Plaintiff,)	Civil Action No. 6:22-cv-04330-HMH
)	
vs.)	
)	
Unknown Inmate in Room 63, Unknown)	OPINION & ORDER
Inmate in Room 13, Unknown Inmate in)	
Room 14,)	
)	
Defendants.)	
)	

Plaintiff, a state prisoner in the custody of the South Carolina Department of Corrections, proceeding *pro se* and seeking to proceed *in forma pauperis*, filed the instant action pursuant to 42 U.S.C. § 1983. (Complaint, ECF No. 1.) In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to a Magistrate Judge for all pretrial proceedings.

In signing the Complaint, Plaintiff acknowledged that he was responsible for notifying the Clerk in writing of any change of address and that failure to keep his address updated with the Court may lead to dismissal of the case. (Complaint, ECF No. 1 at 12.) By Order dated December 8, 2022, Plaintiff was given an opportunity to provide the necessary information and paperwork to bring the case into proper form for evaluation and possible service of process. (Proper Form Order, ECF No. 6.) Plaintiff was warned that failure to provide the necessary information and paperwork within the timetable set in the Order may subject the case to dismissal. (*Id.* at 1, ECF No. 6.). The Order also reminded Plaintiff to notify the clerk in writing of any change of address and warned that failure to keep his address updated with the Court may lead to dismissal of the case. (*Id.* at 2, ECF No. 6.)

In response to the Proper Form Order, Plaintiff provided some, but not all of the requested documents. On January 13, 2023, a Second Proper Form Order was issued by the assigned Magistrate Judge. (Second Proper Form Order, ECF No. 10.) Plaintiff was warned a second time that failure to provide the necessary information and paperwork within the timetable set in the Order

may subject the case to dismissal. (Id. at 1, ECF No. 10.). The Order also reminded Plaintiff to notify the clerk in writing of any change of address and warned that failure to keep his address updated with the Court may lead to dismissal of the case. (Id. at 2, ECF No. 10.) To date, Plaintiff has not responded to the Magistrate Judge's January 13, 2023, Order, and the time for response has lapsed. Plaintiff has failed to prosecute this case and has failed to comply with an order of this Court.

Accordingly, the case is dismissed, without prejudice, pursuant to Rule 41 of the Federal Rules of Civil Procedure. See Link v. Wabash R.R. Co., 370 U.S. 626 (1962).

IT IS SO ORDERED.

s/ Henry M. Herlong, Jr.
Senior United States District Judge

February 2, 2023
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.